

**BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550**

IN THE MATTER OF)	DATE: December 13, 2005
)	
Jeffrey L. Coudriet)	DOCKET NO.: 05F-011
Director of Operations)	
Alcoholic Beverage Regulation Administration)	
1413 T Street, NW, #409)	
Washington, DC 20009)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of the General Counsel following a determination by its Public Information and Records Management Division, that pursuant to D.C. Official Code §1-1106.02 (2001 Edition), Jeffrey L. Coudriet, Director of Operations, Alcoholic Beverage Regulation Administration, failed to timely file, a Financial Disclosure Statement for calendar year 2004, on or before May 16, 2005, as required by D.C. Official Code §1-1106.02, and also failed to file on or before the OCF sanctioned extended filing deadline of June 13, 2005.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated August 12, 2005 and September 1, 2005, OCF ordered Jeffrey L. Coudriet (hereinafter respondent), to appear at scheduled hearings on August 29, 2005 and September 12, 2005, and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement (FDS) for calendar year 2004, on or before June 13, 2005.

On August 26, 2005, the respondent filed a letter with OCF stating that he would be in Alaska on August 29, 2005, the date of the initially scheduled hearing, and requested a continuance until his return after September 5, 2005. The continuance was granted to September 12, 2005. On September 12, 2005, the respondent appeared at the rescheduled hearing and testified that he was unaware of the filing requirement

until contacted by OCF by telephone, and that he complied immediately. OCF's address of record for respondent was incorrect, notwithstanding its receipt of updated information provided by respondent's agency. Respondent further stated that the delay in fully executing the form was attributable to his inability to locate a notary public. Respondent confirmed that he is a member of the Management Supervisory Service. Respondent filed the required Financial Disclosure Statement with OCF on June 17, 2005.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent is a member of the Management Supervisory Service.
2. Respondent filed the Financial Disclosure Statement for calendar year 2002 within the extended filing deadline on May 20, 2003; and timely filed the Financial Disclosure Statement for 2003 on May 13, 2004.
3. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2004, on or before June 13, 2005.
4. Respondent filed the required Financial Disclosure Statement on June 17, 2005.
5. Respondent has no history of prior filing delinquencies.
6. Respondent provided a credible explanation for the filing delinquency because OCF's address of record was incorrect.
7. Respondent is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.

3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$150.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for failing to timely file, in that OCF's address of record was incorrect, constitutes good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

Date

Jean Scott Diggs
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter be hereby suspended.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order on Jeffrey L. Coudriet, by regular mail, on December 13, 2005.

NOTICE

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.